



CITY OF MEMPHIS

COUNCIL AGENDA

January 18, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 4, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING

1. **ORDINANCE** to amend Chapter 15, Section 1-5, Code of Ordinances, City of Memphis to provide for the disposal of personal property discarded onto City right-of-ways, easements or property owned or maintained by the City after an eviction or setout and the disposal of personal property abandoned or left on premises, up for S E C O N D reading.
Holt Ordinance No. 5091

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING

2. **RESOLUTION** accepting BERRYHILL P.D. DRAINAGE IMPROVEMENTS and authorizing release of bond.

Case No. PD 90-335
(Contract No. CR-4902)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of U.S. Highway 64 and east of Rock Creek Parkway. The standard improvement contract was approved on November 9, 2004. Resolution also authorizes the release of the performance bond in the amount of \$30,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. **RESOLUTION** approving final plat of HICKORY TRACE COMMONS P.D., PHASE 2, LOT 1 REVISED.

Case No. PD 04-346

Resolution approves the final plat located on the east side of Riverdale Road, south of Winchester Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting SHELBY WOODLANDS P.D., 2ND AMENDMENT, PHASE 7, PARCEL A, SEWER IMPROVEMENTS and authorizing release of bond.
Case No. PD 01-334cc
(Contract No. CR-4827)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Shelby Drive, west of Hacks Cross Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$30,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

5. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-370cc – Fountain Brook Planned Development

Located on the east side of Berryhill Road; +200 feet south of Huntington Oak Drive, containing 105.86 acres in the Agricultural (AG) District

Applicant: Rusco Partnership
E.D.S. Inc. (Danny Tabrizi) – Representative

Request: A maximum of 335 single family lots (lots range from 5,500 square feet to 15,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 04-614

Located between Jefferson Avenue and Court Street, containing 3,751.25 square feet in the Central Business (CBD) District

Applicant: Memphis Center City Commission (Memphis Center City Revenue Finance Corp.)
Nathan A. Bicks – Representative

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 1, 2005



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MLGW FISCAL CONSENT

6. RESOLUTION awarding Contract No. 11024, HVAC Replacement, to Barnes & Brower, Inc. in the amount of \$105,336.00.
7. RESOLUTION awarding Contract No. 11027, HVAC Renovation Projects, to Air Technical Services, Inc. in the amount of \$63,395.00.
8. RESOLUTION awarding Contract No. 11031, Indoor Air Quality Survey, to Professional Service Industries, Inc. in the amount of \$38,078.80.
9. RESOLUTION approving Change Order No. 14 to Contract No. 9779, Management Support System-Central Processing Unit, with Fujitsu Computer System Corporation in the amount of \$183,731.40 over a three-year period.
10. RESOLUTION approving Change Order No. 1 to Contract No. 10995, Construction of Training Center Addition, with Omega General Contractors, Inc. in the amount of \$26,217.00.
11. RESOLUTION awarding contract for concrete standards as follows:

StressCrete c/o Curtis H. Stout of Tennessee.....	\$404,706.99 (approximately)
Southern Sales & Services Company, Inc.....	<u>378,909.00 (approximately)</u>
Total:	\$783,615.99 (approximately)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (none)

GENERAL ORDINANCE - THIRD AND FINAL READING

12. **ORDINANCE** establishing meeting dates for City Council Meetings in 2005, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5090

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

13. **RESOLUTION** authorizing acceptance from the Federal Government of a “public benefit transfer” of real property located at Dunn Field and the former Memphis Defense Depot, said property is to be used by the Memphis Area Transit Authority. (Held from 11/23;1/4)

Brown

Resolution authorizes the acceptance of approximately 34 acres of real property located on the south end of Dunn Field from the United States of America as a “public benefit transfer”. The property is being conveyed to be used for a potential new rail and/or bus multimodal transportation facility. The Federal Government is addressing the environmental conditions of the property and is to provide a Finding of Suitability to Transfer “FOST”. Resolution also authorizes the proper City officials to review and approve and the Mayor to execute the related instruments to effect a closing on behalf of the City of Memphis Area Transit Authority.

Memphis Area Transit Authority recommends approval

ACTION REQUESTED: Adopt the resolution

14. **RESOLUTION** expanding the Downtown Beautification Project to include trees.

Brown

Council did include Downtown Beautification , CIP Project Number GS01015 as part of the FY2005 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

15. **RESOLUTION** accepting an offer to purchase City owned property located on the west side of White Station Road. The amount of the offer is \$800.00.

Brown

Resolution accepts an offer from Mickey G. Finger to purchase a portion of property described in Deed recorded in Book 5486, Page 154 (Lot 46, Avon Gardens 1st Addition, Block B) and Book 5435, Page 181 (Lot 47, Avon Gardens 1st Addition Subdivision, Block B) in Shelby County Register's Office, Memphis, Tennessee. Said property is irregular in shape and contains 5,750 square feet, more or less. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council Meeting for an increase of bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

16. RESOLUTION approving the transfer of City owned parcels of real property to the Memphis Housing Authority for the Uptown Redevelopment Project.

Holt

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION amending the FY 2005 Community Development Block Grant (CDBG) Operating Budget by transferring an appropriation of \$38,025.00 in Community Development Block Grant funds from Director's Office, CD90001, to Community Services/Special Needs, CD90021 to fund operating costs associated with the Goodwill Homes Community Services.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

18. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring allocations of \$27,000.00 in Architect/Engineering, \$677,000.00 in Construction, \$10,000.00 in Furniture, Fixtures and Equipment and \$20,000.00 in Information Technology from PK12002, Hickory Hill Maintenance Compound to PK07011, Maintenance Facility Improvements funded by G.O. Bonds General to improve, enlarge and upgrade the existing park maintenance compounds.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

19. RESOLUTION appropriating \$3,997,324.00 for the new construction of the Hickory Hill Police Precinct funded by G.O. Bonds General, CIP Project Number PD02002.

Sammons

Council did include the Hickory Hill Police Precinct, CIP Project Number PD02002 as part of the FY05 Capital Improvement Budget.

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

20. RESOLUTION transferring an allocation of \$1,009,000.00 from Land Acquisition to Architecture Engineering in Engineer Support Facility, CIP Project Number EN01001. Resolution also appropriates said amount in Architecture Engineering for the design of the facility, chargeable to the Fiscal Year 2005 Capital Improvement Budget funded by G.O. Bonds General.

Hooks

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

21. RESOLUTION approving a planned development located on the northwest corner of Channel 3 Drive and Riverside Drive, containing 6.19 acres in Parcels III and IV of the Founders Pointe Planned Development (P.D. 91-308).

Peete

Case No. PD 04-333

Applicant: The Bryan Company
Ronald Harkavy – Representative

Request: Amend Parcel III and IV to permit: 1) Two 16-Story Towers; 2) One 4-story Townhouse development with an attached 5-story parking garage, a maximum of 350 dwelling units total

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON JANUARY 7, 2005

22. RESOLUTION approving a planned development located on the south side of Latting Road; +276.45 feet east of Pisgah Road, containing 36-98 acres in the Agricultural (AG) District. (Held from 1/4)

Peete

Case No. PD 04-363cc

Applicant: Latting Road Partners, LLC
Michael Fahy, Prime Development, LLC – Representative

Request: A planned development to permit 71 single family detached lots with a minimum lot size of 9,700 square feet within the plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED DECEMBER 17, 2004

23. RESOLUTION approving a planned development located +153 feet north of the intersection of Island Club Drive and Island Place East, containing 14.95 acres in the Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP}) Districts.

Peete

Case No. PD 04-367
(Companion Case: SAC 04-622)

Applicant: Kevin Hyneman/Jeff Bronze
W.H. Porter Consultants, PLLC - Representative

Request: Planned Development to permit 106 single family detached homes with a minimum lot size of 3,100 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES MAILED ON JANUARY 7, 2005

24. RESOLUTION approving a planned development located on the east side of N. Germantown Parkway; +/-337.78 feet north of Bellevue Parkway, containing 1.15 acres in the Multiple Dwelling Residential (R-ML) District.

Peete

Case No. PD 04-368

Applicant: 474 Club, LLC & CRS Investments, LLC
Prime Development Group, Inc. – Representative

Request: Planned Development to permit Planned Commercial (C-P)
District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON JANUARY 7, 2005

25. RESOLUTION approving an appeal located on the northeast corner of Rappahannock Drive and Bartlett Road.

Peete

Case No. S 04-051

Appellant: Robert and Kimberly Yates
Frank Palumbo – Representative

Request: Appeal to overturn action of the Land Use Control Board which requires dedication of fifty three (53) feet from centerline of Bartlett Road and improve in accordance with Subdivision Regulations

LUCB recommendation: APPROVAL, with five (5) conditions (required dedication of fifty three (53) feet from centerline and improve in accordance with Subdivision Regulations)

OPD recommendation: APPROVAL, with four (4) conditions and one (1) variance

ACTION REQUESTED: Take whatever action Council deems advisable

48 NOTICES MAILED ON JANUARY 7, 2005

26. RESOLUTION approving an appeal located on the west side of Lamar Avenue (U.S. Highway 78); ±1,100 feet north of Holmes Road, containing 5.253 acres in the Vacant, Light Industrial (I-L) District.

Peete

Case No. S 04-054

Appellant: Summit Distribution Center, LLC
Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached “Property Map” from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES MAILED ON JANUARY 7, 2005

27. RESOLUTION approving a street/alley closure located at the Intersection of Lily Lane and Highland Avenue.

Peete

Case No. SAC 89-018

Applicant: Lily Lane Homeowner Association

Request: Approval of a revised street closure area for Lily Lane

LUCB and OPD recommendation: Take whatever action Council deems
advisable

29 NOTICES MAILED ON JANUARY 7, 2005

28. RESOLUTION approving a street/alley closure beginning on the east side of Island Place East and proceeding westwardly +584.48 feet therefrom, containing 2.1 acres.

Peete

Case No. SAC 04-622
(Companion Case: PD 04-367)

Applicant: Riverpoint Development Co., LLC
W.H. Porter Consultants, PLLC – Representative

Request: Close Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES MAILED ON JANUARY 7, 2005

29. RESOLUTION approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District. (Held from 9/21;11/23;12/21)

Peete

Case No. SUP 04-208

Applicant: Margolin Hebrew Academy
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON SEPTEMBER 10, 2004

30. RESOLUTION approving use variance located on the northside of W. Virginia Avenue; +137.5 feet west of Kentucky Street, containing 0.06 acre in the Riverbluff Residential (RB) District.

Peete

Case No. UV 04-15

Applicant: Kentucky Data Link
Homer Branan – Representative

Request: Booster Station for Fiber Optic Cable Transmission Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON JANUARY 7, 2005

GENERAL ITEM

31. RESOLUTION appealing the decision from the 2004 City Council Chairman regarding staff salary adjustments, authorizing the general 3% increase to staff, requesting a Compensation Study regarding Memphis City Council Staff, and amending the Memphis City Council Rules of Procedure to reflect any raise given to staff above 3% shall be referred to the Personnel Committee for a Memphis City Council decision.

Mitchell

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

January 18, 2005

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5. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

C. Case No. S 04-055 – Shady Hall Subdivision

Located on the east side of S. Mendenhall Road; +/-210.93 feet south of Shady Grove Road, containing 0.716 acre in the Single Family Dwelling, Single Family Residential (R-S10) District

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 250 Mendenhall Road (S04-055 Shady Hall Subdivision)

LUCB recommendation: APPROVAL, with five (5) conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 1, 2005

32. RESOLUTION approving final plat of LILY LANE S.D.

Consent

Case No. SD 04-706

Resolution approves the final plat located north and south of Lily Lane, east of Highland Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving the modification of the \$550,000.00 loan to MANDCO for the Washington Manor Apartments.

Holt

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan allowing retirement benefits to be based on the highest two consecutive years average compensation upon completion of 30 years of service and retirement benefits to be based on the highest one-year compensation upon completion of 35 years of service, effective for participants retiring on or after March 1, 2005.

Brown

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving amendments to the MLGW Retirement and Pension Plan as follows: (1) Adoption of certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) which sets forth limitation amounts for defined benefit plans and establishes rollover distribution acceptance from various retirement plans and (2) a one-time adjustment increase of the Division's contribution to the retirement plan for calendar plan year 2004.

Brown

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Public Hearing Set for February 1, 2005
6. Through 21 – Approved
22. Approved, as amended
23. Through 25 – Approved
26. Held until February 1, 2005
27. & 28 –Approved
29. Held until February 1, 2005
30. Approved
31. Dropped
32. & 33 – Approved
34. Approved, as amended
35. Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 4, 2005

Approved